

**Consent Agenda**  
**Tree Removal Appeal Case A-2175**

Removal of three (3) Holly trees, two of which measure nine inches (9”) in diameter and one of which measures eleven inches (11”) in diameter located in the rear yard of the property to accommodate proposed construction.

Mr. David and Ms. Megan Rose  
5502 Grove Street



*Figure 1: View of the nine-inch Holly growing through the deck.*



*Figure 2: View of the nine-inch and eleven-inch Hollies growing in the rear yard.*



**To:** Board of Managers  
**From:** Laura Billings  
**Date:** April 16, 2015  
**Re:** TOB Report Regarding Case A-2175, Removal of Three Holly Trees from 5502 Grove Street

Megan and David Rose wish to remove three mature Holly trees from their property at 5502 Grove Street. The Roses recently purchased 5502 Grove Street, and they are waiting to move in pending the construction of an addition onto the rear of the house. One of the Holly trees at issue conflicts with the construction plans for the addition, and the other two Holly trees, although not in the way of the construction, are very near the proposed structure.

The Roses have duly filed an appeal of the Village Manager's decision to deny removal of the three Holly trees. They were then referred to the Tree Ordinance Board. On April 3, I contacted the Roses' abutting and confronting neighbors about the proposed removal. I have received one inquiry from 5503 Center Street – the neighbors who share the Roses' rear property line. The residents of 5503 Center expressed some concern that the new addition (not at issue in this particular process) and any new trees will block sunlight into 5503's back yard.

Members of the TOB inspected the trees and potential sites for reforestation. The three Holly trees at issue are mature but have overgrown their space in the yard. In fact, one currently grows through the back deck. Furthermore, the Holly tree in closer proximity to the proposed addition is extremely crooked. The TOB members concluded that the trees were not so remarkable as to preclude removal and reforestation so that the Roses can build their addition.

Mr. and Mrs. Rose are amenable to reforesting at a one-to-one ratio. They agree to choose three trees from the Village's recommended list and/or meeting the Village's specifications for replacement trees – specifically, that the new trees will measure 2-½" caliper at the time of installation and be of a species that reaches a minimum of 45 feet at maturity. Mr. and Mrs. Rose have reviewed and offered no objection to a Consent Agreement in the same form as has been used in prior TOB actions and which requires maintenance of the reforestation trees until they reach the size at which they will be subject to the Urban Forest Guidelines protection.

Within six months of completing construction of the addition, the Roses will plant three (3) new trees with the above-described attributes. The Roses plan to consult a landscaper regarding the installation of the new trees and intend to rely on his/her advice about where to best situate the replacement trees. There are electrical wires running across the rear property line and the side property lines are intersected by adjacent neighbors' trees. The applicants agree that if the reforestation trees cannot reasonably be accommodated on the subject Property, they will coordinate with the Village Tree Committee as to locating the trees elsewhere within the Village.

I believe that the proposed reforestation and Consent Agreement reflect a reasonable resolution of the issues in a manner consistent with Village Board policies.

Submitted by:  
Laura Billings  
Chairperson  
Tree Ordinance Board



# REFORESTATION CONSENT AGREEMENT

## RECITALS

This Consent Agreement ("Agreement") is entered into by CHEVY CHASE VILLAGE, ("Village"), a Maryland municipal corporation and David J. Rose and Megan L. Rose, (collectively "OWNER"), the owners of Lot 26, Block 8, in the subdivision known as Section 1-A, CHEVY CHASE, as per plat thereof recorded in Plat Book 18 at Plat Number 1132, among the Land Records of Montgomery County, Maryland (the "Property").

The Owner has requested a permit from the Village Manager under Section 17-3 of the Village Code to remove two (2) nine-inch and one (1) eleven-inch American Holly trees, hereinafter referred to as the "Subject Trees", (the trunk of which measures more than 24 inches in circumference at 4-½ feet above ground and therefore requires a permit for removal) located in the rear (north) yard of the Property as indicated on the plan attached hereto as Exhibit A. The Owner seeks to remove the Subject Trees in order to obtain a building permit to construct an addition at the rear of the house hereinafter referred to as the "Proposed Work". The Village Manager denied the permit for failure to meet any of the conditions set forth in Section 17-3.

The Owner has appealed the denial of the permit. The appeal was considered under the criteria set by Section 17-5 of the Village Code, by the Tree Ordinance Board ("TOB"), which has issued its recommendation.

The TOB, after following the requirements for notice to confronting and abutting owners and the Village Tree Committee concluded that the Proposed Work was a legitimate reason for removing the Subject Trees, that it was necessary to remove the trees to construct the Proposed Work, and that the trees

proposed to be removed were not by reason of their age, size or outstanding qualities, including uniqueness, rarity or species specimen, of such nature as to require their preservation.

Based on the foregoing, the TOB provided its recommendation, which has been accepted by the Board of Managers. The Board has decided that it is in the public interest to grant the Owner's appeal, on condition that the Owner sign this Agreement.

NOW, THEREFORE, in consideration of the mutual undertakings and obligations herein contained, One Dollar (\$1.00) in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Village and the Owner hereby agree and covenant as follows:

1. The Owner will obtain a permit to construct the Proposed Work and submit to the Village Manager a construction contract for the same.
2. The Village, after the issuance of the aforesaid permit and receipt of the aforesaid construction contract for the Proposed Work, will grant a permit to the Owner for the purpose of removing the Subject Trees described above promptly after the effective date of this Agreement.
3. The Owner agrees to reforest within six months from the date of the project completion, as documented by the "Chevy Chase Village Project Close-Out Form", by planting the Reforestation Tree(s) (or variety thereof) of at least 2-½ inches in caliper on the Property, or in such location elsewhere in the Village as coordinated with the Tree Committee, and to replace such tree(s) if it becomes diseased or dies within two years of the effective date of the installation of the trees. The Owner further agrees to notify the Village Manager when the tree(s) has been planted.
4. The Owner agrees to maintain the Reforestation Tree(s) at the Owner's sole expense and the Owner shall not remove, destroy, or impair the health of the reforestation tree(s) in any way without the express prior written consent of the Village.

5. Any changes or modifications to the Reforestation Plan shall require the further written consent of the Village, which may be withheld in the Village's sole discretion.

6. The Owner acknowledges that compliance with this Consent Agreement is necessary for the protection of the public health, safety and welfare of the residents of the Village and acknowledge and agree, in the event of Owner's breach of this Agreement, that the Village would not have an adequate remedy at law, and the Village shall be entitled to specific performance of the Owner's obligations and to injunctive relief related thereto without posting a bond or proving actual damages, in addition to any other remedies which may be available. The Owner further agrees that the costs incurred by the Village to enforce the Agreement, including legal expenses, shall be charged to the Owner and may be assessed against the Owner's property along with property taxes. The Owner further agrees not to contest any action brought by the Village to obtain specific performance and injunctive relief under this Agreement.

7. The Owner also acknowledges that the Village and the public residing in the Village would incur substantial damages in the event of Owner's breach of the requirements of this Agreement, including, but not limited to, the costs of staff time, arborist time, and other expenses incurred in enforcing this Agreement and the diminution of the Village's tree canopy. The parties recognize the difficulty in computing actual damages and, accordingly, agree to liquidated damages for the aforesaid costs, delay, and harm to the public. The parties acknowledges that liquidated damages of \$1,000.00 are a reasonable estimate, at the time of the execution of this Agreement, of the damages to the Village and the public that will likely occur as a result of the Owner's failure to perform their obligations under this Agreement. The Owner acknowledges that the liquidated damages agreed to are not a penalty and that they, along with any costs incurred by the Village, including legal expenses, may be assessed against the Property along with property taxes.

8. The Owner shall be jointly and severally liable for their obligations hereunder and expressly waive any right to a jury trial.

9. The effective date of this Consent Agreement is the date the Village Manager signs the Agreement signifying that she has been informed by the Village Board of Managers that the Consent Agreement has been approved.

OWNER:

CHEVY CHASE VILLAGE

\_\_\_\_\_  
David J. Rose

By:

\_\_\_\_\_  
Shana R. Davis-Cook, Village Manager

\_\_\_\_\_  
Megan L. Rose

Date: \_\_\_\_\_





Chevy Chase Village

Statement of Appeal for Tree Removal Permit

Subject Property:

5502 Grove Street

Briefly Describe the Proposed Tree Removal (provide additional detail on following pages):

Three Two American Holly trees are being appealed for removal. Both trees are in the rear yard of the property. One tree directly conflicts with a proposed addition to the house, and the other two conflicts with the open space in the yard.

Applicant Name(s) ( List all property owners):

Megan Rose and David Rose

Daytime telephone: 301-718-8118

Cell: 202-680-0780

E-mail: meganlindholm@yahoo.com, jhill@musearchitects.com

Address (if different from property address):

For Village staff use:

Date this form received: 3/25/15 Tree Removal Permit Appeal No: A-2175

Filing Requirements:

(Application will not be accepted or reviewed until the application is complete.)

- ☒ Completed Chevy Chase Village Statement of Appeal for Tree Removal Permit (this form)
- ☒ Denied Chevy Chase Village Tree Removal Permit Application
- ☒ Chevy Chase Village Tree Inspection Report from Village Arborist
- ☒ Surveys, plats, landscaping plans/specifications, or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc. and the tree(s) sought to be removed.
- ☒ Appeal fee (See fee schedule in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing appeal, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, the Board of Managers, and members of the Village Tree Committee, to enter onto the subject property for the purposes of assessing the site in relation to this appeal. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing statement are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Megan J. Rose

Date: 3/23/15

Applicant's Signature: David J. Rose

Date: 3-23-15

**Describe the reasons why the tree removal would not adversely affect the public health, safety or welfare nor the reasonable use of adjoining properties:**

*Tree #6 is growing through a deck and will likely undermine the house foundation at some point, in addition to conflicting with the proposed renovation of the house. Tree #5 has many prickly leaves that aren't safe for children. Removing both of these trees would make the yard, the house, and the neighborhood an inviting and safe place for residents of the community, and will have no negative impact on the public health, safety, and welfare of the neighbors and the adjoining properties. We also plan to reforest with indigenous hardwood trees, which are better for the environment and the neighborhood.*

**Describe the reasons why the tree removal would not substantially impair the intent and purpose of Chapter 17 of the Chevy Chase Village Code, entitled *Urban Forest*:**

*The tree removal would not substantially impair the intent and purpose of the code, since these trees are potentially hazardous and we will be reforesting with more suitable types of trees which are better located not to conflict with the house or yard.*

**Describe whether the tree exhibits any of the following criteria: (i) is diseased beyond restoration, insect infested beyond restoration, or injured beyond restoration; (ii) is dead or dying, or in danger of falling; (iii) constitutes a hazard to the safety of persons; (iv) constitutes a hazard to the safety of property; (v) constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees; (vi) is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner:**

*Tree 6 will ultimately constitute a hazard to the safety of the property, as it is very close to the house and it is currently growing up through a deck. Tree #5 has many low and prickly leaves which are a hazard for young children playing in the backyard.*  
*Describe the reasons for wanting to remove or destroy the tree(s):*

**Describe the reasons for wanting to remove or destroy the tree(s):**

*Tree 6 conflicts with a proposed addition to the residence, which is part of a total renovation to the house. Tree 5 conflicts with the open space in the yard, and creates a hazard to our small children with its prickly leaves.*

**Describe the reasons, if any, cited by residents who are either in favor of or in opposition to the issuance of the requested tree removal permit:**

**If the desired tree clearing is necessary to achieve proposed development, construction or land use otherwise permitted under the Village Code, describe the proposed project and/or land use and any reason(s) why there is no reasonable alternative to the tree removal:**

*The proposed building addition needs to be built in the rear yard, as that is the only allowable building location on the site. Tree #6 is currently very close to the house and growing through the deck, thus it was not possible to add onto the house to work around this tree while still obeying the required setbacks.*

**Describe any proposed reforestation and whether the proposed reforestation includes any trees that meet the Village standards for reforestation (i.e., deciduous hardwood trees that are at least 2 1/2 inches in caliper at the time of installation and of a species that achieves a mature height of at least 45 feet):**

*The proposed reforestation would be one new tree <sup>each</sup> for ~~both~~ trees in this appeal. The new trees will be deciduous hardwood trees that are at least 2 1/2 inches in caliper at the time of installation and of a species that achieves a mature height of at least 45 feet.*

**Describe any hardship that would result if the requested tree removal is denied:**

*If the request is denied, we would not be able to proceed with the proposed addition and the renovation work on the house as the rear is the only buildable area on our site. We would also not be able to have a reasonable sized yard for our young children to play in.*

**Describe the reasons why preserving the tree(s) is not desirable because of the age, size or outstanding qualities, including uniqueness, rarity or species specimen, of the tree(s):**

*<sup>All</sup> ~~Both~~ trees are American Holly trees and are very common. While the trees are large, there are many other trees in the Village which are of a similar size and species as these.*

**Describe any other relevant matters that you believe would promote fairness and justice in deciding this appeal:**

*Our lot is relatively small, and thus we don't have much space to expand. It is our hope that this appeal is approved so that we, our house, and our landscape can become positively contributing parts of this community.*



the basis of these drawings if such work is not  
ite of Maryland for radon mitigation.

A2.1 Elevations  
A2.2 Elevations

\* Not in Set

A6.0 Section Details

A4.1 First Floor Interior Elevations

S

Heavy  
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Yes

heit

WOOD

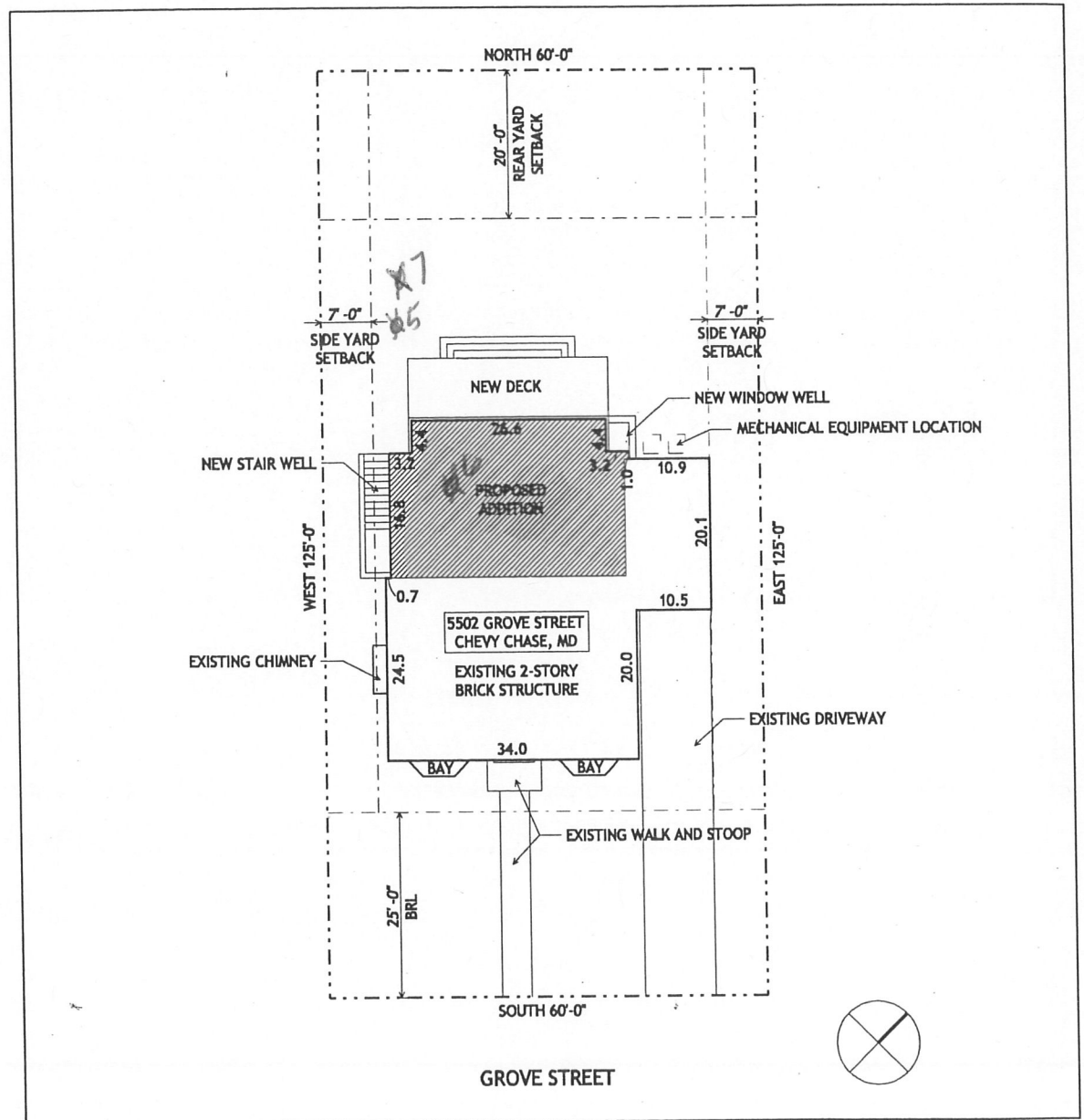
WALL

XD

TUOUS  
IG

FRAMING  
SHOWN

BLOCKING



1  
T1.0  
PROPOSED SITE PLAN  
SCALE: 1" = 16'-0"

12

Chevy Chase Village  
Tree Inspection Request Form

|   |
|---|
| Property Address:<br><b>5502 GROVE STREET CHEVY CHASE, MD 20815</b>   |
| Date this form submitted to Village office:   |
| Resident Name: <b>DAVID AND MEGAN ROSE</b>  |
| Phone: <b>202.680.0780, 202.222.8278</b>  |
| E-mail: <b>DJROSE76@GMAIL.COM; MEGANLINDHOLM@YAHOO.COM</b>  |
| This request initiated by: <input type="checkbox"/> Village office staff. <input checked="" type="checkbox"/> Resident/property owner   |
| <input checked="" type="checkbox"/> Inspect tree(s) <sup>1</sup> requested for removal -- are any of conditions in Village Code Sec. 17-3(a) met?<br><input type="checkbox"/> Inspect trees <sup>1</sup> on property to determine if a Tree Protection Plan (TPP) is needed for proposed project <sup>2</sup> .<br><input type="checkbox"/> Pursuant to a Village Bldg Permit application <sup>2</sup> , prepare TPP for trees <sup>1</sup> on property [\$250 fee]<br><input type="checkbox"/> Verify that a TPP has been implemented for Village Building Permit #_____<br><input type="checkbox"/> Follow up on an existing TPP -- is it OK to remove TPP?<br><input type="checkbox"/> Village right-of-way/park<br><input type="checkbox"/> Other:_____<br><small><sup>1</sup> Show location of tree(s) on a plat or site plan (or on diagram on reverse, but only if plat unavailable).<br/> <sup>2</sup> Attach full description of proposed project.</small> |

Sections below must be completed by Village Arborist:

Tree #1: ☐ Private Property ☐ Village right-of-way  
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R  
 DBH\*=9" Species: American Holly Tag#: \_\_\_\_\_ ☐ n/a; no tag.  
 Assessment: Hazard to house/foundation

Tree #2: ☐ Private Property ☐ Village right-of-way  
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R  
 DBH\*=524" cal Species: Hemlock Tag#: \_\_\_\_\_ ☐ n/a; no tag.  
 Assessment: under size

Tree #3: ☐ Private Property ☐ Village right-of-way  
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R  
 DBH\*=524" cal Species: Hemlock Tag#: \_\_\_\_\_ ☐ n/a; no tag.  
 Assessment: under size

(For more trees, please check here ☐ and attach pages: # of extra trees \_\_\_\_; # of extra pages \_\_\_\_.)

Arborist assessment: Does tree meet any of the conditions in Village Code 17-3 to qualify for removal?

| Removal Approved                            | Denied                   | *Is permit required? (i.e. trunk circumference $\geq 24"$ ) | Y                                   | N                                   |
|---|--------------------------|---|-------------------------------------|-------------------------------------|
| Tree #1 <input checked="" type="checkbox"/> | <input type="checkbox"/> |   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Tree #2 <input type="checkbox"/>            | <input type="checkbox"/> |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Tree #3 <input type="checkbox"/>            | <input type="checkbox"/> |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Arborist/Staff Signature

Date 3/13/18

Chevy Chase Village Tree Inspection Request Form

4/8/18 Page 1 of 3

Tree #4: ☐ Private Property ☐ Village right-of-way  
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R  
 DBH\* = 62 1/2" Species: Elm Tag#: \_\_\_\_\_ ☐ n/a: no tag.  
 Assessment: \_\_\_\_\_

Tree #5: ☐ Private Property ☐ Village right-of-way  
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R  
 DBH\* = 9" Species: American Holly Tag#: \_\_\_\_\_ ☐ n/a: no tag.  
 Assessment: Healthy

Tree #6: ☐ Private Property ☐ Village right-of-way  
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R  
 DBH\* = 9" Species: American Holly Tag#: \_\_\_\_\_ ☐ n/a: no tag.  
 Assessment: Healthy

Tree #7: ☐ Private Property ☐ Village right-of-way  
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R  
 DBH\* = 11" Species: Holly, American Tag#: \_\_\_\_\_ ☐ n/a: no tag.  
 Assessment: Healthy 4/8/15

Tree #8: ☐ Private Property ☐ Village right-of-way  
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R  
 DBH\* = \_\_\_\_\_ Species: \_\_\_\_\_ Tag#: \_\_\_\_\_ ☐ n/a: no tag.  
 Assessment: \_\_\_\_\_

Tree #9: ☐ Private Property ☐ Village right-of-way  
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R  
 DBH\* = \_\_\_\_\_ Species: \_\_\_\_\_ Tag#: \_\_\_\_\_ ☐ n/a: no tag.  
 Assessment: \_\_\_\_\_

Tree #10: ☐ Private Property ☐ Village right-of-way  
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R  
 DBH\* = \_\_\_\_\_ Species: \_\_\_\_\_ Tag#: \_\_\_\_\_ ☐ n/a: no tag.  
 Assessment: \_\_\_\_\_

(For more trees, please check here ☐ and attach pages: # of extra trees \_\_\_\_\_; # of extra pages \_\_\_\_\_.)

Arborist assessment: Does tree meet any of the conditions in Village Code 17-3 to qualify for removal?

| Removal Approved                  | Denied                              | *Is permit required? (i.e. trunk circumference $\geq 24"$ ?) | Y                                   | N                                   |
|-----------------------------------|-------------------------------------|--|-------------------------------------|-------------------------------------|
| Tree #4 <input type="checkbox"/>  | <input type="checkbox"/>            | Tree #4  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Tree #5 <input type="checkbox"/>  | <input checked="" type="checkbox"/> | Tree #5  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Tree #6 <input type="checkbox"/>  | <input checked="" type="checkbox"/> | Tree #6  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Tree #7 <input type="checkbox"/>  | <input checked="" type="checkbox"/> | Tree #7  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Tree #8 <input type="checkbox"/>  | <input type="checkbox"/>            | Tree #8  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Tree #9 <input type="checkbox"/>  | <input type="checkbox"/>            | Tree #9  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Tree #10 <input type="checkbox"/> | <input type="checkbox"/>            | Tree #10   | <input type="checkbox"/>            | <input type="checkbox"/>            |

Arborist/Staff Signature [Signature] Date 3/17/15

Chevy Chase Village Tree Inspection Request Form [Signature] 4/8/15 Page 12 of 3

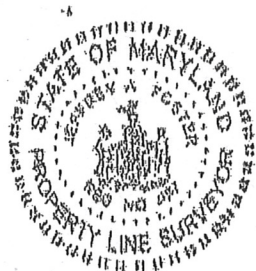
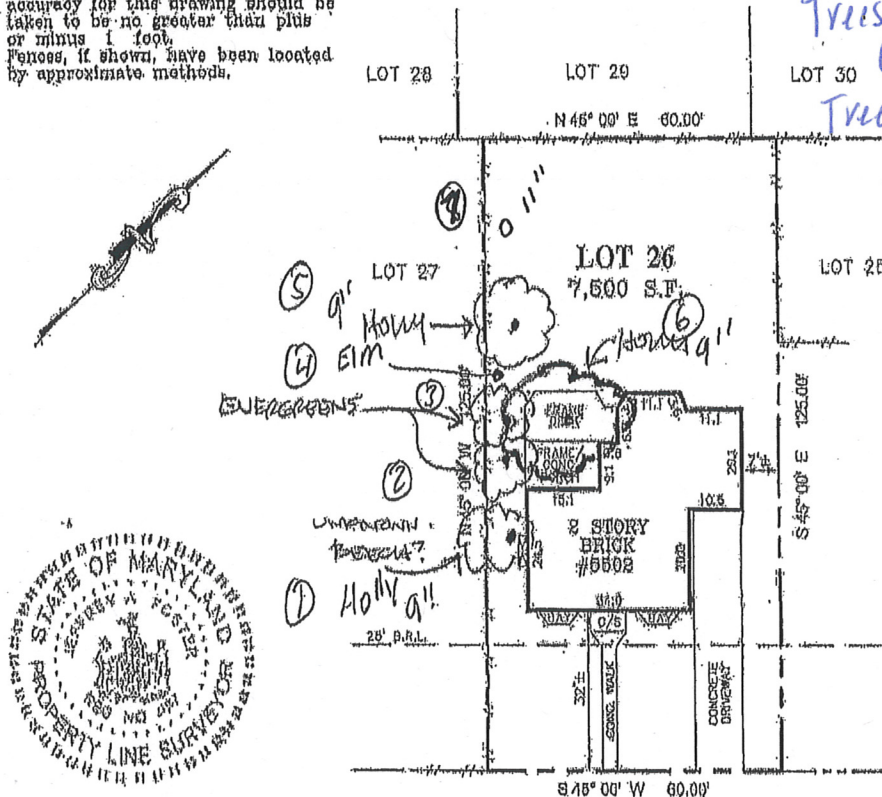
# CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

## Notes:

1. Setback distances as shown to the principal structures from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 1 foot. Fences, if shown, have been located by approximate methods.

Tree 1: approved  
Trees 2,3 & 4: undervsize  
(no permit req'd)  
Tree 5,6,7: denied



GROVE STREET  
(60' R/W)

LOCATION DRAWING  
LOT 26, BLOCK 8  
SECTION 1-A  
CHEVY CHASE  
MONTGOMERY COUNTY, MARYLAND

| SURVEYOR'S CERTIFICATE   | REFERENCES                   | SNIDER & ASSOCIATES<br>LAND SURVEYORS  |  |
|--|------------------------------|--|--|
| THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION. | PLAT BK. 1B<br>PLAT NO. 1182 | 20270 Goldenrod Lane, Suite 110<br>Germantown, Maryland 20878<br>301/948-6100 Fax 301/948-1888 |  |
| LIBER<br>FOLIO   |                              | DATE OF LOCATION<br>WALL CHECK<br>HSE. LOC.  | SCALE 1" = 30'<br>DRAWN BY: D.N.L.<br>JOB NO. 14-00042 |



# Chevy Chase Village Tree Removal Permit Application

Permit No. \_\_\_\_\_

*All trees on private property with trunks that measure at least twenty-four (24) inches in circumference (or 7.7 inches in diameter) at four and one-half (4½) feet above ground level require a Village permit to be removed.*

|   |                                       |
|---|---------------------------------------|
| <b>Property Address:</b> 5502 Grove Street  |                                       |
| <b>Resident:</b> Megan & David Rose   |                                       |
| <b>Telephone:</b> 301-718-8118  |                                       |
| <b>E-mail:</b>  |                                       |
| <b>Tree Removal Contractor (required and must be a Maryland Licensed Tree Expert):</b>  |                                       |
| <b>Business Name:</b>   |                                       |
| <b>Owner:</b>   |                                       |
| <b>Address:</b>   |                                       |
| <b>Telephone:</b>   | <b>Fax:</b>                           |
| <b>E-mail:</b>  |                                       |
| <b>MD Dept. of Natural Resources (DNR) Licensed Tree Expert (LTE) No. (required):</b>   |                                       |
| <i>For Village office staff use:</i>  |                                       |
| <b>Is this property located within the historic district?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | <b>Staff initials</b> ES              |
| <b>Verification of species pursuant to Sec. 17-3(a)(7):</b> n/a   | <b>Staff initials</b> ES              |
| <b>Date application submitted to Village Office:</b> 3/25/15  | <b>Date approved or denied:</b> _____ |

## Village Code Chapter 17. Urban Forest §17-1 and 17-2. Permit Required.

"No person shall remove or destroy, or cause the removal or destruction, of a tree or undertake any action that will substantially impair the health or growth of a tree without first obtaining a permit from the Village Manager. No permit shall be required for normal and reasonable trimming or other tree care designed to maintain the health, shape, or balance of a tree."

## Village Code §17-3. Permit Standards.

The Village Manager may issue a permit *only* if at least one (1) of the following conditions applies:

- The tree is diseased beyond restoration, insect infected beyond restoration, or injured beyond restoration;
- The tree is dead or dying, or is in danger of falling;
- The tree constitutes a hazard to the safety of persons;
- The tree constitutes a hazard and threatens injury to property;
- The tree constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees;
- The tree is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner;
- The tree is on a list of tree species of little value, as determined by the Board of Managers after consultation with the Village arborist and Village Tree Committee.

**An applicant who is denied a tree removal permit by the Village Manager may appeal that decision to the Board of Managers. Any appeal must be in writing and made within ten (10) days of the permit denial.**

### Filing Requirements

- Copy of the findings and recommendations report from the Village Arborist or, pursuant to Sec. 17-3(a)(7), Village staff.
- This completed application, including the tree contractor's name, phone number and MD-DNR License No.
- Payment of \$50.00 per tree filing fee for a Village Tree Removal Permit application, up to a max. of \$350.

Do you intend to reforest on your property? YES.

By signing below, I understand that no work may be performed until the Village permit is issued and posted to be visible from the street.

Applicant's Signature: Megan J. Rose Date: 3/23/15

|  |  |
|--|--|
| Tree Removal Plans (including reforestation plan, if any)  |  |
| <p><u>WE WOULD LIKE TO REMOVE TREES 1, 5, &amp; 6. TREE #1 IS A HAZARD TO THE HOUSE FOUNDATION. TREE #6 IS CURRENTLY GROWING THROUGH A DECK, AND IT COMPLICES WITH OUR PROPOSED ADDITION. TREE #5 WE WANT TO REMOVE AS THE HOLLY LEAVES ARE HAZARDOUS FOR OUR CHILDREN, AND WE WOULD LIKE TO OPEN UP THE YARD FOR MORE PLAY SPACE. WE DO</u></p> |  |
| For Use By Village Manager   | <p>Approved with the following conditions:</p><br><br><br> |
| <div style="border: 2px solid black; padding: 10px; text-align: center;"> <p><b>DENIED</b></p> <p>MAR 26 2015</p> <p>Chevy Chase<br/>Village Manager</p> </div>  | <p>Denied for the following reasons:</p><br><br><br>       |

PLAN TO  
REForest  
ON SITE  
WITH  
INDIGENOUS  
SPECIES.

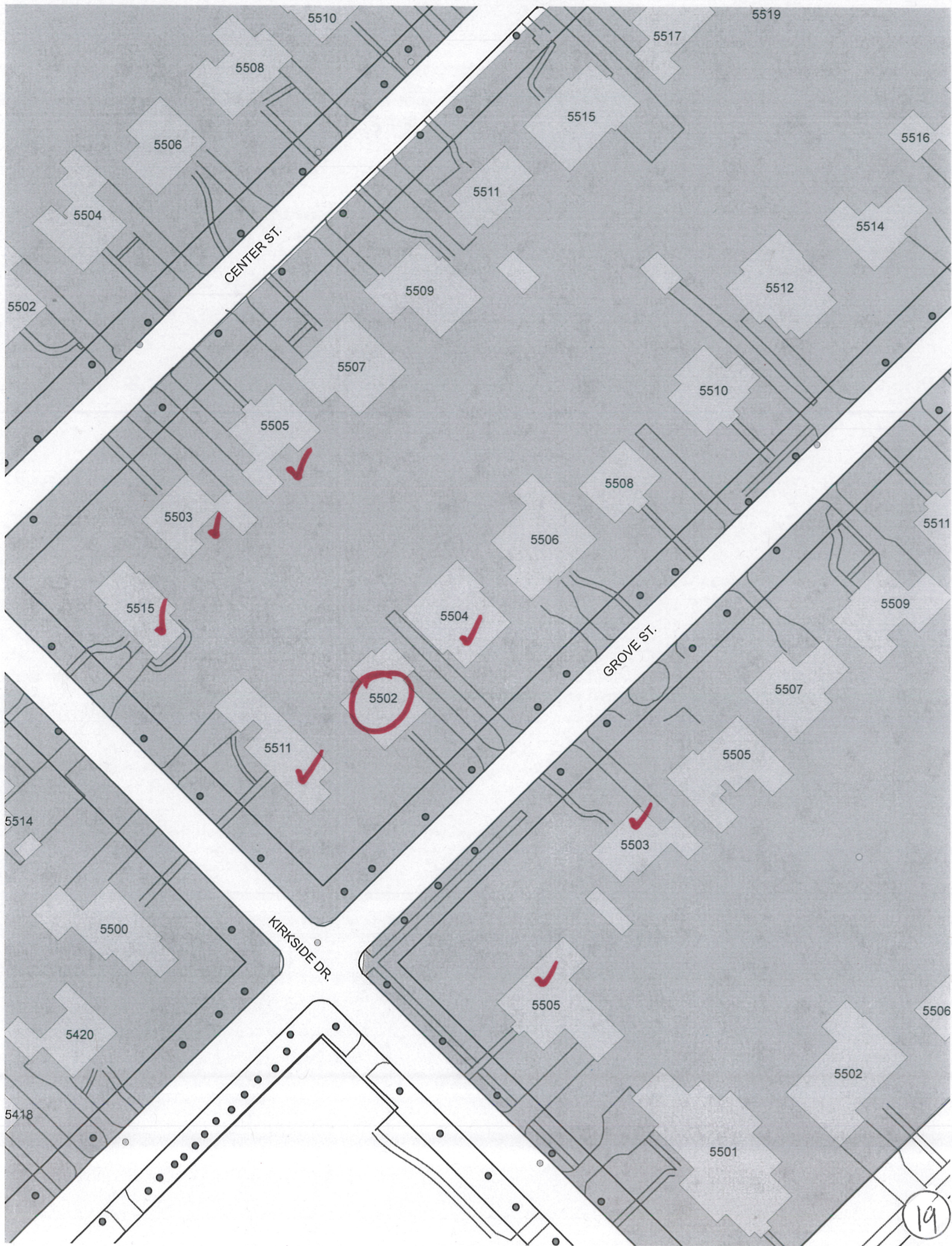
|  |   |
|--|---|
| <p><b>Filing Fee:</b></p> <p>\$50.00/tree x <u>3</u> trees =<br/>\$ <u>150.00</u><br/>(up to \$350 max. per application)</p>     | <p><b>Checks Payable to:</b></p> <p style="text-align: center;">Chevy Chase Village<br/>5906 Connecticut Avenue<br/>Chevy Chase, MD 20815</p> |
| <p><b>Damage Deposit</b></p> <p><input type="checkbox"/> \$ _____</p> <p><input type="checkbox"/> Waived by Village Manager.</p> | <p><b>Village Manager Signature:</b></p> <p><b>Date:</b></p>  |
| <p><b>Total Fees + Deposit:</b></p>  | <p><b>Staff Signature:</b></p> <p><b>Date:</b></p>  |

**MAILING LIST FOR APPEAL A-2175**

**MR. & MRS. DAVID ROSE  
5502 GROVE STREET  
CHEVY CHASE, MD 20815**

| <b>Adjoining and confronting property owners</b>   |  |
|--|--|
| Mr. & Mrs. John Hay<br>Or Current Resident<br>5504 Grove Street<br>Chevy Chase, MD 20815                       | Mr. & Mrs. Ned Rubenstein<br>Or Current Resident<br>5503 Grove Street<br>Chevy Chase, MD 20815                   |
| Mr. & Mrs. David L. Winstead<br>Or Current Resident<br>5505 Kirkside Drive<br>Chevy Chase, MD 20815            | Mr. & Mrs. Michael W. Blommer<br>Or Current Resident<br>5511 Kirkside Drive<br>Chevy Chase, MD 20815             |
| Ms. Julie Horowitz &<br>Mr. Ian Wallace<br>Or Current Resident<br>5515 Kirkside Drive<br>Chevy Chase, MD 20815 | Ms. Sunia Zaterman &<br>Mr. Richard Landis<br>Or Current Resident<br>5503 Center Street<br>Chevy Chase, MD 20815 |
| Mr. & Mrs. David S. Lee<br>Or Current Resident<br>5505 Center Street<br>Chevy Chase, MD 20815                  |  |







### **CODE EXCERPT (Section 17-4):**

#### **(c) Appeal procedures.**

- ✓ (1) Upon the filing of an appeal, the Village Manager shall forthwith transmit the record pertaining to the appeal to the Tree Ordinance Board.
- (2) ✓ The Tree Ordinance Board shall determine if the tree(s) has such outstanding qualities that it should not be removed. ✓ If the Tree Ordinance Board finds that the tree is a candidate for removal, the Tree Ordinance Board shall meet with the applicant and/or the applicant's representative as soon as practicable but no later than ten (10) days after an appeal is filed. The Tree Ordinance Board shall work with the applicant to develop a reforestation plan which, taking into consideration the factors in Section 17-6, the Tree Ordinance Board finds would not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties and would not substantially impair the purpose and intent of this Chapter. ✓ In developing the reforestation plan, the Tree Ordinance Board will affirmatively solicit input from residents of adjoining and confronting properties and from the Village Arborist.
- (3) ✓ If the applicant agrees to a reforestation plan that the Tree Ordinance Board finds meets the standards in sub-section (1) above, the Tree Ordinance Board shall prepare a report to the Board of Managers and the matter will be placed on the consent agenda for approval at the next Board of Managers meeting that is at least ten (10) days after the issuance of the Tree Ordinance Board's report. The matter may be removed from the consent agenda only at the request of two (2) or more members of the Board of Managers.

#### **PROCESS (following denial of Tree Removal Permit Application):**

- Village Staff receives complete tree removal appeal application from Applicant
  - A complete application consists of:
    - the Tree Inspection Request Form with the arborist's assessment; ✓
    - the denied Tree Removal Permit Application; and ✓
    - the Statement of Appeal for Tree Removal ✓
- Village Staff transmits application to TOB chair (generally via email) ✓
- TOB meets and determines if tree is a candidate for removal ✓
- TOB meets w/ Applicant and develops Reforestation Plan ✓
- Staff sends notice (and posts materials to web site) to abutting and confronting neighbors (with TOB Chair as response contact) ✓
- TOB chair drafts TOB report, with Reforestation Plan, and transmits to Staff ✓
- Staff drafts Consent Agreement and posts to web site ✓
- Item may go on next agenda (as Consent Agenda item) that is at least 10 days after issuance of TOB Report ✓
- Board book material consists of: divider page (provided by Staff), the TOB report and the draft consent agreement (provided by Staff) ✓
- Once approved by Board of Managers, Consent Agreement can be executed and permit issued